

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
BRYSON CITY DIVISION
2:09 CR 29-2**

UNITED STATES OF AMERICA

Vs.

GARY ROBERT FRONRATH.

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ORDER

THIS CAUSE coming on to be heard before the undersigned, pursuant to motions to withdraw (#62)(#63)(#66) filed by Kristina L. Earwood, attorney for the defendant. At the call of this matter on for hearing, it appeared that Ms. Earwood was present, the defendant was present and the government was present through Assistant United States Attorney Corey Ellis. At the hearing of the motions Ms. Earwood presented information to show that the defendant has been unable to fulfill an obligation to Ms. Earwood regarding payment for Ms. Earwood's services and for that reason, Ms. Earwood was moving to withdraw, pursuant to Rule 1.16(b)(6) of the Rules of Professional Conduct. It further appears that Ms. Earwood has discussed the matter with the defendant and has given the defendant reasonable warning that she would move to withdraw unless the obligation regarding fees was fulfilled. Upon inquiry from the court the defendant advised that he did not have any objection to the various Motions to Withdraw and that he did not have funds sufficient to retain an attorney. Ms. Ellis, on behalf of the government, advised that the government did not

have any objection to the Motions to Withdraw and did not wish to be heard in regard to the matter. Good cause has been shown for the granting of the motions.

ORDER

IT IS, THEREFORE, **ORDERED** that the Motions to Withdraw (#62) (#63) (#66) of Kristina L. Earwood to withdraw as attorney for the defendant, are hereby **ALLOWED**. It is **ORDERED** that Ms. Earwood shall take steps to the extent reasonable and practicable to protect the defendant's interest and shall deliver to defendant's new attorney copies of all documents in her possession concerning her representation of the defendant. It is further **ORDERED** that after inquiry being made of the defendant that the defendant's request for court appointed counsel is **ALLOWED** and that the Office of the Federal Defender for the Western District of North Carolina is **ORDERED** to immediately appoint counsel to represent the defendant in this matter.

Signed: December 17, 2009

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Dennis L. Howell
United States Magistrate Judge

